

# United States District Court

## District of Massachusetts

UNITED STATES OF AMERICA

V.

**KATHLEEN KELLY****JUDGMENT IN A CRIMINAL CASE**(For **Revocation** of Probation or Supervised Release)

(For Offenses Committed On or After November 1, 1987)

**Case Number: 1: 04 CR 10333 - 001 - RCL**Francisco Javier Fernandez, Esq.

Defendant's Attorney

**THE DEFENDANT:**

- ☒ admitted guilt to violation of condition(s) I, III, IV, V, VI, VII and VIII of the term of supervision.
- ☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

Accordingly, the court has adjudicated that the defendant is guilty of the following violation(s):

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
I	While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance.	04/07/06
III	The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.	07/01/05
IV	The defendant shall notify the probation officer ten days prior to any change of residence or employment.	03/28/06

☒ See continuation page

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has not violated condition(s) II and is discharged as to such violation(s) condition.

days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

05/09/06

Defendant's Soc. Sec. No.: 000-00-0000

Date of Imposition of Judgment

Defendant's Date of Birth: 00-00-1967

The Honorable Reginald C. Lindsay

Defendant's USM No.: 25422-038

Signature of Judicial Officer

Defendant's Residence Address:

Judge, U.S. District CourtName & Title of Judicial Officer

Defendant's Mailing Address:

Same as above

5/11/06Date

Continuation Page - Nature of Violations

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DEFENDANT: KATHLEEN KELLY

<b><u>Violation Number</u></b>	<b><u>Nature of Violation</u></b>	<b><u>Date Violation Concluded</u></b>
V	The defendant shall refrain from excessive use of alcohol and drugs.	03/28/06
VI	Upon completion of Emerson House, the defendant shall spend at least 6 months in a sober house or other transitional program approved by the U.S. Probation Officer. If the Probation Officer determines the defendant needs more time at the sober house, the Probation Officer shall notify the Court for approval.	03/31/06
VII	The defendant is not to consume alcoholic beverages.	03/28/06
VIII	Following the release from the sober house, the defendant is to work with probation and the sober house to seek a place to live other than with the defendant's father.	03/27/06

AO 240D (Rev. 3/01) Judgment in a Criminal Case for Revocations: Sheet 2 - Imprisonment

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DEFENDANT: KATHLEEN KELLY

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 8 month(s)

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at \_\_\_\_\_ on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before \_\_\_\_\_ on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Officer.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

AO 245D (Rev. 3/01) Sheet 3 - Supervised Release

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DEFENDANT: KATHLEEN KELLY

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 24 month(s)

☒ See continuation page

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

☒

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated above).

**STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Continuation Page - Supervised Release/Probation

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**Continuation of Conditions of ☒Supervised Release ☐Probation**

The defendant is to participate in either an in-patient or out-patient program for substance abuse treatment as directed by the United States Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment.

The defendant shall spend 3 months in community confinement at the Coolidge House. Upon completion of community confinement at the Coolidge House, the defendant shall spend at least 6 months in a sober house or other transitional program approved by the U.S. Probation Office. If the Probation Officer determines that the defendant needs more time at the sober house, the Probation Officer shall notify the Court for approval.

The defendant is not to consume alcoholic beverages.

The defendant is to participate in a mental health treatment program as directed by the United States Probation Office. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third-party payment.

The defendant is prohibited from entering any establishment that serves alcohol.

Following release from the sober house, the defendant is to work with probation and the sober house to seek a place to live other than with the defendant's father.